

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-11598 WGY
	)	<u>THREE-JUDGE COURT</u>
CITY OF BOSTON,	)	
MASSACHUSETTS, et al.,	)	
	)	
Defendants.	)	
	)	

---

**STATEMENT TO THE COURT**

The United States hereby submits this Statement to the Court as directed by the Court's June 12, 2007 Order. See Docket # 75. The City of Boston has reviewed this Statement.

**PROCEDURAL HISTORY**

The United States filed suit on July 29, 2005 against the City of Boston, including the Mayor of the City of Boston, the Boston City Council, the Boston Election Department, and the Chair of the Boston Election Department. Docket #1. The Complaint raised claims under Sections 2 and 203 of the Voting Rights Act, including a claim, with respect to Chinese-American citizens, that such citizens had suffered the "improper[] influencing, coercing or ignoring [of their] ballot choices," i.e., that the ballots of Chinese-speaking voters who could not read the English ballot were marked contrary to, or without the consent of the voter. Id. The parties to this litigation, the United States and the City of Boston, came to an agreement on September 15, 2005 and signed the Memorandum of Agreement and Settlement. See Docket # 22. This Court entered an Order on October 18, 2005, authorizing the appointment of federal examiners and retaining jurisdiction over the suit through the expiration of the Memorandum of

Agreement and Settlement (“Agreement”). Docket # 60. Among other provisions, the Agreement provided for the translation of all election materials and information into Chinese so that citizens who rely on the Chinese language for voting would be able to participate in the election process on an equal basis.

On May 24, 2007, the United States filed an Unopposed Motion for Clarification, seeking to define the meaning of the term “bilingual” as used in the Agreement and as originally intended by the parties,<sup>1</sup> including the translation and transliteration of candidates’ names. Docket # 72. The Court asked the parties and the Secretary to inform the Court (i) whether the parties and the Secretary of the Commonwealth (“Secretary”) have reached agreement on the issues presented in the United States’ Unopposed Motion to Clarify Memorandum of Agreement and Settlement; (ii) if not, whether additional time is needed to come to agreement and if so, how much time is needed; (iii) the date(s) of any upcoming elections that would be implicated by this issue; and (iv) an exact description of what is meant by “the translation or transliteration of candidates names in Chinese, i.e., display of candidates names in Chinese characters.” Docket # 75.

#### **A. Agreement**

The parties and the Secretary have not reached an agreement on the issue of transliteration of candidates’ names as raised in the Motion for Clarification.

#### **B. Additional Time**

Based on representations made by the Secretary, as of the filing of this statement, the

---

<sup>1</sup> The parties include the United States and the City of Boston. The Secretary of the Commonwealth has filed a Motion for Extension of Time, but is not a party in this case.

United States does not believe that any additional time will lead to an agreement with the Secretary on the issue of transliteration as raised in the Motion for Clarification.

#### **C. Upcoming Pertinent Elections**

The following upcoming elections occurring this year will be implicated by the transliteration issue raised by the motion to dismiss as the Secretary of the Commonwealth's office will print the ballot for these elections: (i) September 11, 2007 State Senate primary election (8 precincts in Boston will require a Chinese ballot for this election); (ii) October 9, 2007 State Senate final election (8 precincts in Boston will require a Chinese ballot for this election); (iii) Special primary state representative election expected to occur in September 2007 (1 precinct in Boston will require a Chinese ballot for this election); and (iv) Special final state representative election expected to occur in October 2007 (1 precinct in Boston will require a Chinese ballot for this election). There will also be a City preliminary election on September 25, 2007 and a City final election on November 6, 2007. These two elections are not affected by this issue because the City will print the ballot for these elections. The City and the United States agree that a Chinese-bilingual ballot includes transliteration of the names of candidates, and it is the United States' understanding that the City plans to transliterate the names of the candidates in Chinese for both elections. The issue also will affect the conduct of federal and other elections in 2008 and beyond.

#### **D. Meaning of “the translation or transliteration of candidates names in Chinese, i.e., display of candidates names in Chinese characters”**

When the Motion for Clarification states that the parties agree that the term “bilingual” includes the translation or transliteration of candidates names in Chinese i.e., the display of candidates’ names in Chinese characters, it means that the names of candidates should appear on

the ballot in Chinese characters rather than in Romanized letters.<sup>2</sup> The term “translation” as it appears in the Motion for Clarification means the selection of Chinese characters to represent the parts of a Chinese name, or a name in any other language that traditionally is written using Chinese characters. See Merriam-Webster’s Collegiate Dictionary 1254 (10th ed. 1999)(“translation []: an act, process, or instance of translating as [] a rendering from one language into another.”) The term “transliteration” means the selection of Chinese characters to represent the phonetic equivalent of the syllables of an English name, or a name in any other language that is not traditionally written using Chinese characters. See id. (“transliterate []: to represent or spell in the characters of another alphabet.”). The translation and transliteration of candidates’ names results in the display of the candidates’ names in Chinese characters rather than in Romanized letters.

In its enforcement of the Voting Rights Act, the United States has long taken the position that the Chinese transliteration of the candidates’ names is an essential component to a bilingual Chinese ballot because the names of the candidates are one of the most important aspects of a ballot and limited English-proficient Chinese-speaking voters cannot understand the candidates’ names in English. See Letter to Ms. Kathy King from Assistant Attorney General for Civil Rights Deval L. Patrick dated May 13, 1994 (attached herein as Exhibit 1). As the above letter indicates, the Assistant Attorney General for Civil Rights objected to New York City’s intention to not transliterate the names of the candidates on its ballot. Id. at 1-2. After the Assistant Attorney General for Civil Rights objected to New York’s Chinese-language ballot election

---

<sup>2</sup> See Merriam-Webster’s Collegiate Dictionary 1016 (10th ed. 1999)(“romanize []: to write or print (as a language) in the Latin alphabet.”).

procedures, New York agreed to transliterate into Chinese the names of the candidates on the ballot. See Letter to Assistant Attorney General for Civil Rights Deval L. Patrick from Ms. Kathy King dated August 29, 1994 (attached herein as Exhibit 2). Transliteration is particularly important in this case where the Complaint included claims of improper influence and coercion of Chinese-speaking voters, as well as claims that the choices of Chinese-speaking voters were ignored. See Docket # 1 at 6, ¶ 20(c).

The City of Boston has now transliterated the ballot in Chinese for two elections, namely, the special preliminary municipal April 17, 2007 election, and the May 15, 2007 special final municipal election. Both of these elections involved Boston's most heavily populated Chinese precincts. The Declaration of Helen Wong, the Elections Language Coordinator of the City of Boston Election Department, sets forth the detailed transliteration process that the City of Boston uses and has used for the April 17 and May 15 elections. Declaration of Helen Wong, dated July 1, 2007 (attached herein as Exhibit 3).

To transliterate the candidates' names, the City obtained the services of its Chinese language liaison, Ann Wong, and her husband, a Chinese scholar and professional translator, and they provided the initial transliterations. Id. at 3-4, ¶ 12. Members of the community were asked to review these initial transliterations, and changes were made based on the community's feedback. Id. at 4, ¶ 15. Letters were sent to all the candidates, notifying them of the transliteration, and asking them to approve the standardized version of their transliterated names. Id. All of the candidates formally consented. Id. at ¶ 16. After the transliterations were finalized, the City sent a press release to the major newspapers, including the Chinese language newspapers, community organizations, and campaign offices, and asked them to use the City's

versions of the transliterated names in their articles, voter outreach materials, and campaign literature. Id. The Election Department for the City of Boston did not receive any complaints from “campaigns, community organizations, or voters about the transliteration process or about the Chinese transliterated names.” Id. at 4, ¶ 16.

As noted in Ms. Wong’s Declaration, other jurisdictions such as Los Angeles and San Francisco transliterate candidates’ names. Id. at 1-2, ¶ 6. See also San Francisco Municipal Elections Code § 401 (attached as Exhibit 4).

The City already has begun implementation of its system for transliteration of candidate’ names for the September 2007 City election. Declaration of Helen Wong at 4, ¶ 17.

Respectfully submitted,

WAN J. KIM  
Assistant Attorney General  
Civil Rights Division

JOHN K. TANNER  
Chief, Voting Section

---

*/s/ Jared M. Slade*  
SUSANA LORENZO-GIGUERE  
susana.lorenzo-giguere@usdoj.gov  
Acting Deputy Chief  
VERONICA SEUNGWON JUNG  
veronica.jung@usdoj.gov  
T. RUSSELL NOBILE  
t.russell.nobile@usdoj.gov

JARED M. SLADE  
jared.slade@usdoj.gov  
Voting Section  
Civil Rights Division  
United States Department of Justice  
Room 7254 NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
(202) 305-4733 (phone)  
(202) 307-3961 (fax)

Date: July 10, 2007

**CERTIFICATE OF SERVICE**

I, Jared M. Slade, hereby certify that the foregoing document and proposed order filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 10, 2007.

*/s/ Jared Slade* \_\_\_\_\_

Jared M. Slade

Trial Attorney, Voting Section

United States Department of Justice

GIAUDYS HARRIS

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

May 13, 1994

Kathy King, Esq.  
General Counsel  
Board of Elections  
Executive Office, 12 Broadway  
New York, New York 10004

Dear Ms. King:

This refers to the machine ballot translation portion of the Chinese-language election procedures for Kings and New York Counties in New York City, New York, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your response to our December 28, 1993, request for additional information on March 14, 1994. The March 14 response also modifies the machine ballot translation portion of your initial submission.

We have considered carefully the information you have provided, as well as comments and information from interested parties and other sources. Under Section 203 of the Voting Rights Act, as amended in 1992, 42 U.S.C. 1973aa-1a, Chinese-speaking voters in the Counties of New York, Kings and Queens are entitled to receive, in the Chinese language, all voting-connected information that is provided in English for the use of the electorate generally. New York and Kings Counties also are subject to the requirements of Section 5 of the Act. In reviewing the City's program under Section 5, the Attorney General must examine the proposed program in light of the minority language requirements of Section 203. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.55(a)).

Exhibit 1

COLADYS HARRIS

The Board of Elections proposed to translate into Chinese only portions of the ballot on voting machines, including political party, offices, ballot proposals as space permits, instructions for using the voting machine in primary elections, and captions that read "All Voting Instructions" and "Vote for One." The Board proposes not to translate names of candidates under any circumstances even where space on the ballot is available and also proposes not to translate instructions for use of the voting machine in general elections. The Board argues that its provision of sample ballots, which are translated into Chinese, is an adequate substitute for a complete translation of the machine ballot.

Our analysis shows that a candidate's name is one of the most important items of information sought by a voter before casting his or her ballot for a particular candidate. This applies especially in primary elections when the political party and office do not guide voters to a particular candidate. For voters who need Chinese-language materials, the translation of candidates' names is important because Roman characters are completely different from Chinese characters. Consequently, it would be extremely difficult, if not impossible, for these voters to understand names written in English.

Past elections have revealed significant problems associated with the use of sample ballots. For example, during the November 2, 1993, general election, several translations on the sample ballot were completely different from the English version on the machine. In primary elections, the state requires that the order of candidates be staggered on the machine ballots, so that the order of candidates will vary from machine to machine. In the 1993 primary election, however, the order of candidates on the sample ballots frequently did not coincide with the order on the machines. Under these circumstances, the Board's sample ballot program is not an adequate substitute for complete translations of the actual ballot.

In this regard, the Board has suggested that space limitations create certain difficulties in terms of providing translations of names into Chinese characters in certain elections. A number of alternatives appear to exist under state law and within the Board's own practice (e.g., the use of "pasters" or the targeting of certain election districts for Chinese-language machine ballots) which would permit the translation of names into Chinese. We have been given no convincing reason why at least one of these alternatives has not been considered and adopted.

GIADYS HARRIS

- 3 -

The Board has stated that it will not translate candidates' names even when the ballot clearly can accommodate such translations because it does not want to create voter confusion by having complete translations in some elections but not in all elections. Any confusion that might result from such inconsistency does not justify the failure to translate names entirely. The Board also has stated that it cannot place translated names on the ballot due to the errors that might occur during the translation process given the severe time constraints under which ballots must be prepared. However, given the fact that the translations of the names of candidates are already made for other purposes, e.g., the sample ballot and the voter information guide, this reason is not persuasive.

Our past experience in monitoring elections in New York City also reveals that it is important for the Board to translate into Chinese the instructions for operating machines, since many Chinese-speaking voters have encountered difficulties as a direct result of the Board's failure to translate these instructions. We understand that during general elections, voting machine instructions appear inside the booth on stickers. The Board has provided no reason why comparable Chinese-language stickers cannot be placed inside the voting machines.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Ghorgia v. United States, 411 U.S. 526 (1973); City of Roma v. United States, 446 U.S. 156, 172 (1980); Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the submitted machine ballot translation portion of the Chinese-language election procedures for Kings and New York Counties in New York City, New York.

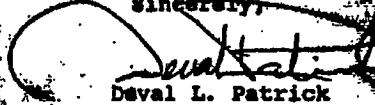
We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.11 and 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the machine ballot translation portion of the Chinese-language election procedures for Kings and New York Counties in New York City, New York, continues to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10 and 51.45.

CiADYS HARRIS

- 4 -

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Board of Elections plans to take concerning this matter. If you have any questions, you should call Loretta King (303-514-9654), Deputy Chief, Voting Section.

Sincerely,

  
Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

Jeffrey K. Smith

SENT BY BOARD OF ELECTION

202 307 3081:6/1

SEYMOUR SHELDON  
President  
VINCENT J. VELILLA  
Secretary  
WEYMAN A. GAREY  
VINCENT J. CUTTITA  
DOUGLAS A. KELLNER  
FERDINAND C. MARACH  
PAUL MEJIAS  
GEORGE M. SPANAKOS  
GERTHUDE STROHIM  
KATHLEEN N. WAGNER  
Commissioners



## BOARD OF ELECTIONS

THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 33 BROADWAY  
NEW YORK, N.Y. 10004  
(212) 531-6300

DANIEL De FRANCESCO  
Executive Director  
ALFREDO S. PANTALEONE  
Deputy Executive Director  
JOHN R. DEL GIORNO  
Administrative Manager  
KATHY KING  
General Counsel

August 29, 1994

Mr. Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division  
Department of Justice  
R.O. Box 66128  
Washington, DC 20035-6128

Dear Mr. Patrick:

Pursuant to your May 13, 1994 letter, the Board of Elections in the City of New York respectfully requests that the Attorney General reconsider the objection to the machine ballot portion of our Chinese-language election procedure and proposes the following:

1. Pursuant to the provisions required by Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-1a, the Board of Elections in the City of New York (the "Board") will provide a fully-translated Chinese-language machine ballot for election districts in New York, Kings and Queens Counties that meet established targeting criteria, which incorporates the following terms:
  - a. The translated Chinese-language candidate names on the translated machine ballot shall correspond fully with the candidate names as listed in English.
  - b. In the event that a Chinese-language translation of a candidate's name that fully corresponds with the English-language name listed on the machine ballot cannot fit into the image area provided for the Chinese translation, the candidate will be notified of the issue and given the opportunity to select a translation that will fit into the image area, pursuant to the procedure set forth in New York State Election Law §7-108(10), and the Board will give notice to advocacy groups in the Chinese American community with regard to the issue of the translation and placement of that candidate's name.

Jeffrey K. Smith

SENT BY BOARD OF ELECTION

: 8-28-94 : 8-28-94 :

2124875343

202 307 3881#8-2

Mr. David L. Pandak  
Assistant Attorney General  
Civil Rights Division  
Department of Justice

August 25, 1994

2. In consultation with its ballot printers Bradford & Bigelow Inc., located in Denver, Massachusetts and Pace Press in New York City, the Board will conduct research regarding the availability of computer software applications to produce fully translated Chinese-language machine ballots. In the event such software is available, the Board will take steps to bring such computer software on-line for the production of fully-translated Chinese-language machine ballots, with Bradford & Bigelow and Pace Press by no later than July 1, 1995.
3. The Board will conduct a duly diligent search for printing companies using state-of-the-art computer hardware and desktop layout and typesetting software for the production of Chinese-language machine ballots to complement and assist the research efforts of our present printers pursuant to the aforementioned paragraph.
4. For any and all elections that may occur before the implementation of a fully computerized layout and typesetting process for the production of Chinese-language machine ballots including the September 13, 1994 primary election, the layout of Chinese-language translations shall be completed on a mechanical paste-up and the Chinese-language machine ballots printed via the offset lithography method.
5. The treatment of the ballot for the November 8, 1994 general election, will be subject to continuing discussion by the Board and Chinese-American advocacy groups, and further submission to the Attorney General.

As indicated, the Board's proposal applies only to the September 13, 1994 primary election. With regards to the November 8, 1994 general election, the Board will have to determine whether the ballot, considering layout and spacing factors, can accommodate the Chinese transliterations of candidate's names as proposed above. Accordingly, we will be forwarding an additional submission for the general election.

The following individuals assisted the Board in developing the aforementioned proposal and may be contacted with regards to this submission:

Margaret Fung, Esq., Asian-American Legal Defense Fund - (212) 986-5932  
Keenan Keller, Esq., Davis, Polk & Wardwell - (212) 450-4933/450-4000  
Lillian Ling, Asian-American Legal Defense Fund - (212) 986-5932  
Kymie Hwang, Chinatown Voter Education Alliance - (212) 925-4518  
Peter Lau, Chinatown Voter Education Alliance - (212) 925-4518

Jeffrey K. Smith

SENT BY: BOARD OF ELECTION : 8-29-04 : 3:54PM :

8134875343

202 307 3861NW-3

Mr. David L. Pollack  
Assistant Attorney General  
Civil Rights Division  
Department of Justice

Should you have any questions, please call me at (212) 497-5938.

Very truly yours,

*Kathy J. King*

Kathy J. King  
General Counsel

KJK:doc

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS, ET AL.,	)	<u>DECLARATION</u>
	)	<u>THREE-JUDGE COURT</u>
Defendants	)	
	<hr/>	

**DECLARATION**

I, Helen Wong, make the following declaration based on personal knowledge:

1. I was born in Canton, China on February 9, 1981 and came to the United States in April 1981.
2. I reside at 346 Tremont Street, Apt. C401, Boston, Massachusetts.
3. I speak Cantonese, Toisanese, and English fluently. I grew up in Boston's Chinatown, and Cantonese is my first language.
4. From March 20, 2006 to June 15, 2007, I was employed full-time by the City of Boston as the Elections Language Coordinator of the Election Department. As the Elections Language Coordinator, I was responsible for developing and implementing the City's multilingual election program and conducting community outreach in all the communities in Boston.
5. As soon as I started this position, I set out to work on translation of election related materials, such as notices and signs about voters' rights, voting instructions, location of polling places, nomination papers, election calendars, ballots, and the City's website. I was responsible for the translation of these materials into various Asian languages, namely Chinese and Vietnamese. I sent off these materials to a professional translation company, Translations.com, the same company used by the Commonwealth of Massachusetts.
6. I reached out and canvassed all of the counties and cities that make Chinese and Vietnamese translations of their election materials. I had also been asked by Gerry

Cuddyer to research what other jurisdictions were doing to transliterate the candidates' names on the ballot. I prepared an Excel spreadsheet summarizing the information that I gathered from jurisdictions including Los Angeles, San Francisco, and Arcadia (copy attached). I received a great deal of helpful information from San Francisco's Election Department, and based much of our multilingual election program on San Francisco's program. I also shared this information, as well as the sample bilingual election materials that I received from these jurisdictions, with the Election Task Force in April or May of 2006.

7. For the May 16, 2006 special preliminary election in District 1, I worked on establishing contact with various communities in Boston in order to identify individuals to serve as the City and Community Language Liaisons. I conducted a great deal of outreach in the community, by visiting and communicating extensively with Latino, Vietnamese and Chinese American organizations and leaders throughout the City. I also oversaw the process of translating the City's election-related materials, including the ballot, election-related posters such as notices about voters' rights, and voting instructions. I used the professional translation company Translations.com. Once I received the translation work from this company, I shared it with our Language Liaisons, including Ann Wong, the Chinese Language Liaison and a respected community leader; Bik Ng, the City's Chinese Language Liaison; the Vietnamese Language Liaison Hoan Bui, who is the Social Services & Health Director at the Vietnamese American Civics Association (VACA); and the Spanish Language Liaison Carlos Canon, who works as the Translation Coordinator for the Boston Redevelopment Authority. I compiled a master list of all the edits and comments from these Liaisons. I then sent this list to Translations.com and asked them to make those edits in the final version of the election materials.

8. On June 30, 2006, I attended a meeting with John Donovan, the City's Head Assistant Registrar of Voters and Michelle Tassinari, the attorney for the Secretary of the Commonwealth. The purpose of the meeting was to deliver our edits on the translated election materials, because our language liaisons had caught several errors on the Chinese and Vietnamese translations of the official voter registration form. Massachusetts does not have a committee to review the translation of the election materials, and it relied on the City's Election Department to proof the translation work. The secondary purpose of the meeting was to present the results of my research on San Francisco's Election Department's translation of election materials, including transliteration of candidates' names. I gave Michelle Tassinari a copy of the consent form that San Francisco's Election Department used to tell candidates of the Chinese transliteration of their names. This consent form explained to the candidates that they could review the transliteration of their names, and agree to its usage on the election materials.

9. On October 23, 2006, I attended a training conducted for the entire staff of the Election Department, on the use of the new AutoMARK voting machines that were going to be used for the first time in the upcoming November 7, 2006 Massachusetts State election. I recall that representatives from the vendor, ES&S, as well as Bridget Simmons and Michelle Tassinari were present. During the questions and answers session

following the training, Gerry Cuddyer and I asked whether the recording on these new machines would be available in Vietnamese and Chinese. I recall that either the same day of the training, or the following day, I received a phone call from Michelle Tassinari. She referred to Gerry and my question about the Chinese recording, and I told Michelle that it would be important to have the recording available in Cantonese rather than Mandarin because most of the Chinese American voters in Boston speak Cantonese. I recall becoming frustrated when Michelle told me that she didn't understand why we were asking for an audio recording specifically in Cantonese. It seemed that she had thought that everything was fine since the translation of the ballot had already been approved, and the machine vendor, ES&S, had created the recording based upon the translated ballot. Michelle told me that she'd thought the recording was in Chinese already. I explained to her that even though all the written characters are uniform, there are different dialects in spoken Chinese, such as Mandarin and Cantonese, and that the Chinese voters in Boston who need language assistance predominantly speak Cantonese, although some speak Mandarin and other dialects. If the City has to have only one Chinese dialect on the recording, then it would make sense to have the recording done in Cantonese because the majority of the Boston's Chinese American population speaks Cantonese.

10. Michelle told me that she would like to have in writing our recommendation that the State use Cantonese instead of Mandarin as the dialect on the voting machines. I asked Gerry in a hand-written note (copy attached) to email Michelle to provide this confirmation. Later that day, Gerry sent Michelle an e-mail message confirming that Cantonese is the most prevalent spoken Chinese dialect among Boston's Chinese-speaking voters (copy attached).

11. The City Election Department transliterated the candidates' names on the ballots for the April 17, 2007 special preliminary municipal election and the May 15, 2007 special municipal election for District 2. This was the first time that the Election Department conducted transliteration of the candidates' names. For the preliminary election, there were seven candidates. Most of the candidates for this election were first-time runners, so there were no readily available or established Chinese names for these individuals. John Donovan – the City's Head Assistant Registrar of Voters – verbally informed the candidates about our plans to transliterate their names, and all of them were fine with that. None of them had Chinese names to submit, so we took on the responsibility of transliteration ourselves.

12. At first, we were going to pay Translations.com to do the transliteration for us, but the fee was exorbitant, and I was also worried about how linguistically and culturally appropriate the names would be since they tend to hire Mandarin-speaking linguists for all the translation jobs. I spoke with Ann Wong, our Chinese Language Liaison who does a lot of voter outreach work in the Chinese community. Ann's husband, P.K. Chan, is a Chinese scholar and a professional translator who has helped Ann with the translation of our election-related materials. We had been working closely together while Ann reviewed the Chinese translation of all our election materials. Ann

volunteered to do the Chinese transliteration of the candidates' names for us, free of charge, with the help of her husband.

13. Around this time, we received election monitoring reports from the Asian American Legal Defense & Education Fund (AALDEF), in which the attorney Glenn Magpantay recommended that the Election Department purchase a transliteration dictionary containing Chinese transliteration of English surnames and first names. I researched transliteration dictionaries, and we purchased two dictionaries. I gave these dictionaries to Ann so that she could use them as an additional resource. The dictionaries that we purchased were entitled, "Dictionary of English Names (English-Chinese)," Revised Edition published by the Homa Bookstore and "A Dictionary of English Surnames and Christian Names (English-Chinese)," published by the Foreign Language Teaching and Research Press.

14. Those two dictionaries were published in mainland China, and are probably more linguistically-appropriate for the Mandarin-speaking voting population. Ann also noticed that, so wherever it was necessary, she used Chinese characters that are more linguistically appropriate for the LEP, Cantonese-speaking voters in Boston.

15. Once the names were transliterated, I asked various members of the community to review this. I made various edits based upon the suggestions I received, and I forwarded them to Ann Wong. After Ann and I finalized the name transliteration, I sent out via e-mail a press release to the major newspapers, including Chinese language newspapers, such as World Journal, SAMPAN, and Sing Tao, as well as community organizations, letting them know that the Election Department would be transliterating the candidates names' on the ballots for the upcoming elections. The Chinese language newspapers have both Cantonese and some Mandarin-speaking readership. The press release also requested community organizations, campaign offices, and newspapers to use these versions of the transliterated candidates' names in all their articles, voter outreach materials, and campaign literature to avoid creating any confusion for voters. The newspapers responded favorably and we standardized the transliteration of the candidates' names. We also sent letters to all the candidates notifying them of the transliteration that we planned to use, and asking them to approve this standardized version. We sent to all the candidates an information sheet about their Chinese names (copy of sample attached) for them to read, sign their approval and return to our office. All the candidates formally consented and agreed to the transliterations without edits.

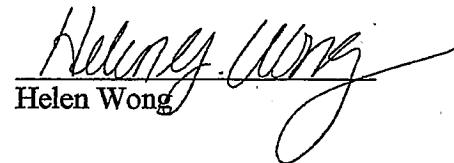
16. We received no complaints from any of the campaigns, community organizations, or voters about the transliteration process or about the Chinese transliterated names.

17. I worked with Ann Wong to prepare the transliteration of the names of the candidates for the September 2007 ballot. It did not take long. It took approximately five working days. I gave the completed transliteration to Gerry Cuddyer before leaving my position on June 15, 2007. Gerry will use the formal procedure outlined in the

announcement and consent form (copy attached) to ensure that there is consistency in the transliteration of all the candidates' names for the upcoming election.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 1, 2007

  
Helen Wong



Page 1 of 1

Cuddyer, Gerry

From: Cuddyer, Gerry  
Sent: Monday, October 23, 2006 2:32 PM  
To: 'Tassinari, Michelle' @ SEC  
Subject: Cantonese

Hi Michele: Just confirming that Cantonese is the most prevalent spoken Chinese dialect among Boston's voters.

Geraldine M. Cuddyer  
Chair, Board of Commissioners,  
Boston Election Department

-----Original Message-----

10/23/06

Gerry -  
Please e-mail Michelle  
(SOS) about using  
Cantonese as the dialect  
on the machines. She  
wants/needs it in writing  
Thanks!  
Helen



**CITY OF BOSTON  
BOARD OF ELECTION COMMISSIONERS  
BOSTON CITY HALL – ROOM 241  
BOSTON, MA 02201  
OFFICE: (617) 635-3767 FAX: (617) 635-4483**

---

March 7, 2007

Dear Members of the Boston Chinese Community:

The following **seven (7)** individuals are the candidates for the office of **District 2 Boston City Councillor**. The Boston Election Department will publish each candidate's English and (transliterated) Chinese names on the ballots for both the **Special Preliminary Municipal Election (April 17, 2007)** and the **Special Municipal Election (May 15, 2007)**.

To avoid confusion for the voters, the Boston Election Department asks that these Chinese names be consistently used in all your campaign literature, news articles and/or voter outreach materials as these will be the names printed on the official ballots.

Thank you for your cooperation, and if there are any questions or concerns, please contact the Boston Election Department at (617) 635-3767.

Sincerely,

Board of Election Commissioners

<b>ENGLISH NAME</b>	<b>CHINESE NAME</b>
Mary Cooney	瑪麗。官尼
Bob Ferrara	博。法拉拉
Edward M. Flynn	愛德華。費連
Bill Linehan	標。林尼肯
Brian R. Mahoney	百恩。馬翰尼
Robert O'Shea	羅拔。奧殊亞
Susan M. Passoni	蘇珊。柏信尼

**Boston Election Department**

**Boston City Hall, Room 241**  
**Boston, Massachusetts 02201**

**(617) 635-3767**  
**FAX: (617) 635-4483**

**DATE ISSUED:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
*Boston Election Department employee*

**Candidates' Names Appearing in Chinese Characters on Ballot**

The Boston Election Department will publish on the ballot a translation or transliteration of each candidate's name in Chinese characters. Candidates may, but are not required to, submit a proposed translated or transliterated Chinese name for themselves. If a candidate does not submit a proposed Chinese name, a transliteration of the candidate's name will be prepared by a qualified translator.

I, BILL LINEHAN, am a candidate for election to the office of DISTRICT 2 CITY COUNCILLOR at the election to be held on Tuesday, APRIL 17, 2007.

I understand that:

The City of Boston's Board of Election Commissioners, working with a qualified Chinese-language translator, will translate/transliterate my name into Chinese characters and include it on all sample and official ballots, along with the English-language version of my name.

I may provide the Boston Election Department with documentation regarding my regular and consistent use of a particular translation/transliteration in the past, for the purpose of assisting the Department's Chinese-language translator. However, I understand that the Board of Election Commissioners' decision to accept the translation/transliteration of a candidate's name prepared by the Chinese-language translator is final.

\_\_\_\_\_  
 Signature of Candidate

\_\_\_\_\_  
 Date

<b>ENGLISH NAME</b>	<b>CHINESE NAME</b>
Bill Linehan	肯尼·林。



**CITY OF BOSTON  
BOARD OF ELECTION COMMISSIONERS  
BOSTON CITY HALL -- ROOM 241  
BOSTON, MA 02201  
OFFICE: (617) 635-3767 FAX: (617) 635-4483**

**FOR USE IN THE [DATE] [TYPE] ELECTIONS**

**Candidates' Names Appearing in Chinese Characters on Ballot**

The Boston Election Department will publish on the ballot a translation or transliteration of each candidate's name in Chinese characters. Candidates may, but are not required to, submit a proposed translated or transliterated Chinese name for themselves. If a candidate does not submit a proposed Chinese name, a transliteration of the candidate's name will be prepared by a qualified translator.

The Board of Election Commissioners will determine whether to accept a candidate's proposed Chinese name, and whether a candidate's name will appear as a translation or a transliteration, based on the following:

- (1) Information submitted by the candidate regarding whether or not the candidate has an established Chinese name;
- (2) Information regarding how the Chinese community refers to the candidate at community meetings and events and in the Chinese press;
- (3) Information regarding how the candidate is referred to in campaign materials printed in Chinese;
- (4) Whether or not a proposed translation or transliteration has another meaning in the Chinese language; and
- (5) Any other information the Board of Election Commissioners deem relevant in order to prevent voter confusion and to allow for effective participation by the Chinese community in the electoral process.

The Board of Election Commissioners' determination whether to accept a candidate's proposed Chinese name, and whether a candidate's name will appear as a translation or a transliteration, shall be final. The Chinese names of all candidates for local office shall be available for public review for ten (10) days, and during that period, the Board of Election Commissioners' determination may be challenged.

[DATE]	Deadline for candidates for local office to submit a proposed translated or transliterated Chinese name to the Boston Election Department. Proposed names should be submitted along with the supporting information and materials described above.
[DATE] to [DATE]	Public review of Chinese names for all candidates for local office.
[DATE]	Deadline for filing a legal challenge to a candidate's Chinese name. A candidate may challenge the Chinese name designated for him or her by the Board of Election Commissioners. A voter may challenge the Chinese name designated for any candidate.



**CITY OF BOSTON  
BOARD OF ELECTION COMMISSIONERS  
BOSTON CITY HALL -- ROOM 241  
BOSTON, MA 02201  
OFFICE: (617) 635-3767 FAX: (617) 635-4483**

**FOR USE IN THE [DATE] [TYPE] ELECTIONS**

**DATE ISSUED:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
*Boston Election Department employee*

**CANDIDATE'S NAME IN CHINESE CHARACTERS**

I, <<First Name>> <<Last Name>>, am a candidate for election to the office of <<Office Name>> and <<District Number, if applicable>> at the election to be held on Tuesday, [DATE].

**DUE TO THE ELECTION DEPARTMENT BY: [DATE]**

**I understand that:**

The City of Boston's Board of Election Commissioners, working with a qualified Chinese-language translator, will translate/transliterate my name into Chinese characters and include it on all sample and official ballots, along with the English-language version of my name.

I may provide the Boston Election Department with documentation regarding my regular and consistent use of a particular translation/transliteration in the past, for the purpose of assisting the Department's Chinese-language translator. However, I understand that the Board of Election Commissioners' decision to accept the translation/transliteration of a candidate's name prepared by the Chinese-language translator is final.

- I am attaching documentation regarding my regular and consistent use of a particular Chinese translation/transliteration of my English name.

\_\_\_\_\_  
**Signature of Candidate**

\_\_\_\_\_  
**Date**



## **ARTICLE IV: PREPARATION AND FORM OF BALLOTS**

Sec. 400. Preparation and Form of Ballots; Incorporation of State Law.

Sec. 401. Candidates' Names Appearing in Chinese Characters.

Sec. 410. Postage Paid for Absentee Ballots.

### **SEC. 400. ; INCORPORATION OF STATE LAW.**

Except as provided in the Charter or this Code, the preparation and form of ballots shall be governed by California Elections Code Sections 13100 et seq.

(Added by Ord. 429-97, App. 11/17/97)

### **SEC. 401. CANDIDATES' NAMES APPEARING IN CHINESE CHARACTERS.**

(a) The names of candidates for local, state and federal office shall appear on all official ballots, including polling place ballots and absentee ballots, and all sample ballots in Chinese characters as well as in English or any other languages required by law or selected by the Director of Elections.

(b) For purposes of this Section:

(1) "Translation" shall mean the selection of Chinese characters to represent the parts of a Chinese name, or a name in any other language that traditionally is written using Chinese characters.

(2) "Transliteration" shall mean the selection of Chinese characters to represent the phonetic equivalent of the syllables of an English name, or a name in any other language that is not traditionally written using Chinese characters.

(c) The Director of Elections shall cause a translation or transliteration of the names of all candidates to be prepared by a qualified Chinese-language interpreter according to generally-accepted professional standards. A candidate may submit documentary evidence demonstrating established use of a particular translation or transliteration of his or her name to assist the interpreter, but the Director of Elections' decision to accept the translation or transliteration of a candidate's name submitted by the Department's interpreter shall be final. Translated or transliterated names accepted by the Director shall be available for public review for ten days, and the Director's decision may be challenged pursuant to California Elections Code Section 13313.

(Added by Ord. 233-99, File No. 991282, App. 8/20/99)

### **SEC. 410. POSTAGE PAID FOR ABSENTEE BALLOTS.**

In addition to the requirements imposed by Division 3, Chapter 1 of the California Elections Code, each absent voter identification envelope shall be returnable to the Department of Elections with

postage paid by the Department of Elections. The Director of Elections, or the Director's designee, is authorized to enter into any contracts with the United States Postal Service that the Director determines are necessary and advisable to implement this Section.

(Added by Ord. 99-02, File No. 020412, App. 6/28/2002)